

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	
	:	Chapter 11
	:	
ETOYS, INC., et al. ¹ ,	:	Case Nos. 01-0706 (RB)
	:	Through 01-0709 (RB)
Debtors.	:	
	:	
	X	
ROBERT K. ALBER, <i>Pro Se</i> ,	:	
	:	
Appellant,	:	Civil Action No. 05-830 (KAJ)
	:	
v.	:	
	:	
TRAUB, BONACQUIST & FOX LLP,	:	
BARRY GOLD, MORRIS NICHOLS	:	
ARSHT & TUNNEL LLP, AND POST-	:	
EFFECTIVE DATE COMMITTEE OF	:	
EBC I, INC.,	:	
	:	
Appellees.	:	
	X	

**APPELLEE’S EMERGENCY MOTION
FOR STAY OF FURTHER PROCEEDINGS
ON APPEAL PENDING RESOLUTION OF APPELLEE’S
MOTION TO STRIKE IMPROPERLY DESIGNATED ITEMS**

Appellee Traub, Bonacquist & Fox, LLP (TB&F” or “Appellee”), hereby moves this Court for an order staying further proceedings on the appeal (the “Appeal”) of Robert K. Alber, *pro se*, from that certain Order of the United States Bankruptcy Court, District of Delaware (Walrath, C.J. presiding) (“Bankruptcy Court”), dated October 4, 2005, *inter alia*, (i) denying the emergency motion filed by CLI/Appellant and (ii) approving settlement agreement between TB&F and the Office of the United States Trustee, for and upon the reasons set forth in its

¹ The Debtors are the following entities: EBC I, Inc. f/k/a eToys, Inc. (“eToys”), EBC Distribution, LLC, f/k/a eToys Distribution LLC, PMJ Corporation and eKids, Inc.

Opinion, dated October 4, 2005, pending adjudication by this Court of Appellee's companion Motion to strike items improperly designated by Appellant to be included in the record on this Appeal (the "Motion to Strike"), filed contemporaneously herewith.

**THE COURT SHOULD STAY ALL PROCEEDINGS
IN THIS APPEAL PENDING RESOLUTION OF APPELLEE'S
MOTION TO STRIKE IMPROPERLY DESIGNATED ITEMS**

1. Contemporaneous with the filing of this Motion, Appellee has moved to strike various items included by Appellant in its designation of the record on appeal herein, on the basis that Appellant has improperly attempted to include in the record on appeal a number of documents which were (a) not part of the record in connection with either the specific contested matter below or the Debtors' bankruptcy cases in general and (b) not considered by the Bankruptcy Court in entering the October 4 Order.

2. Appellee should not be put to the burden and expense of preparing its brief on the merits of this Appeal or responding further to filings by Appellant until the Motion to Motion to Strike is adjudicated.

3. Accordingly, Appellee requests that the Court enter an order extending the time for it to file its answering brief on the merits of the Appeal to a date that is ten (10) days after the entry of a dispositive order adjudicating the Motion to Strike has become final and not subject to an appeal.

WHEREFORE, for the foregoing reasons, Appellee respectfully requests that the Court

enter an order granting it the relief requested and such other relief as is just and proper.

Dated: December 19, 2005

JASPAN SCHLESINGER HOFFMAN LLP
Delaware Counsel to Traub, Bonacquist & Fox LLP

By: /s/ Frederick B. Rosner
Frederick B. Rosner (No. 3995)
913 North Market Street, 12th Floor
Wilmington, DE 19801
Tel: (302) 351-8000
Fax: (302) 351-8010

-and-

Ronald R. Sussman (RS-0641)
KRONISH LIEB WEINER & HELLMAN LLP
Co-Counsel for Traub, Bonacquist & Fox LLP
1114 Avenue of the Americas
New York, NY 10036-7798
Tel: (212) 479-6000
Fax: (212) 479-6275

-and-

James L. Garrity, Jr. (JG-8389)
SHEARMAN & STERLING LLP
Co-Counsel for Traub, Bonacquist & Fox LLP
599 Lexington Avenue
New York, New York 10022
Tel: (212) 848-4000
Fax: (212) 848-7179